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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



RUSSELL J. HARDING
DIRECTOR

July 11, 2002

Ms. Shari Kolak
Remedial Project Manager
United States Environmental Protection Agency
77 West Jackson Boulevard SR-6J
Chicago, Illinois 60604-3590

Dear Ms Kolak:

The Michigan Department of Environmental Quality (MDEQ) has completed its review of the draft *Remedial Investigation/Feasibility Study (RI/FS), Supplement to the Kalamazoo River, and Former Impoundment Approaches* documents, submitted by the Kalamazoo River Study Group (KRSG).

Under the Administrative Order by Consent (AOC) between the parties of the KRSG and the State of Michigan, the draft RI/FS is considered "disapproved" under paragraph 30(d) of the AOC. As the United States Environmental Protection Agency (U.S. EPA) now has the enforcement lead for the river RI/FS, the MDEQ will defer department modification of the RI/FS (also under paragraph 30(d)) to the U.S. EPA. Detailed comments from several reviewers are included in this comment package. All comments in this correspondence should be considered in revising the RI/FS. Additional comments, e-mailed April 5, 2001 to the MDEQ and the U.S. EPA from the National Oceanographic Atmospheric Administration are incorporated by reference. We also recommend utilizing the comments of previous U.S. EPA project managers, such as those transmitted to the MDEQ September 5, 2001.

In the creation and submittal of this draft RI/FS, the KRSG has demonstrated an inability or unwillingness to report facts objectively. The MDEQ does not consider the draft RI/FS a good faith effort to develop reasonable remedial options or impartially evaluate alternatives consistent with the AOC or the National Contingency Plan (NCP). The MDEQ believes the KRSG's preferred alternative, as a stand-alone remedy, does not satisfy the two threshold evaluation criteria under the NCP. Given the MDEQ's experience with the series of inadequate documents consistently produced by the KRSG's consultant (i.e. technical memoranda, RI/FS documents for other operable units) we recommend that the U.S. EPA take over the revision and completion of all

RI/FS documents for the river operable units.

The comments in this letter may refer to concepts or statements that appear in several places in the draft RI/FS documents. This letter does not attempt to list each instance in which a particular concept or statement needs to be changed; revisions should be made to the document globally. The comments in this letter do not imply agreement with any portion of the draft RI/FS not specifically mentioned in this comment package.

Overall, much of the RI/FS reads as an argumentative advocacy piece intended to persuade the reader that the MDNR is partially to blame for the polychlorinated biphenyl contamination in the river. Many of the KRSG's statements in the RI/FS are absolutely incorrect or based on false assumptions. The draft RI/FS should be revised so that it excludes the blaming and finger-pointing and includes factually relevant information regarding nature and extent of contamination, the clear threats to public health and the environment, and an unbiased evaluation of appropriate alternatives for remedial action.

We look forward to assisting in revising the RI/FS in any way you deem appropriate.

Sincerely,

Brian von Gunten
Project Manager
Environmental Response Division
517-373-6808

Attachments (mailed July 8, 2002)

cc: Dr. Mark Brown, Respondent's Representative (KRSG)
Kalamazoo River Site File